

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C). No. 21698 of 2007(G)

PETITIONER:

**RAJU, S/O. RAJAN, AGED 35 YEARS,
KARIKKAKOM, PUTHEN VEEDU, KUZHIYAM DESOM,
AZHOOR VILLAGE.**

BY ADV. SRI. M. DINESH

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, TRIVANDRUM.**
- 2. DISTRICT COLLECTOR, COLLECTORATE,
TRIVANDRUM.**
- 3. ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (ROAD DIVISION),
ATTINGAL.**
- 4. SECRETARY
CHIRAYINKEEZHU GRAMA PANCHAYATH,
CHIRAYINKIL, TRIVANDRUM DISTRICT.**

**R1 to R3 BY GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR
R4 BY ADV. SRI. PIRAPPANCODE V.S. SUDHIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF THE RECEIPTS ISSUED BY THE 4TH RESPONDENT IN THE YEAR 2006-07, 2007-08.**
- EXT. P2 : COPY OF THE RECEIPTS ISSUED BY THE K.S.E.B IN THE YEAR 2006.**
- EXT. P3 : COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT DATED 23.12.2006.**
- EXT. P4 : COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 27.6.2007.**
- EXT. P5 : COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT DATED 2.7.2007.**
- EXT. P6 : COPY OF THE REPLY GIVEN TO 3RD RESPONDENT DATED 10.7.2007.**
- EXT. P7 : COPY OF THE COMPLAINT FILED BEFORE CHIEF MINISTER DATED 10.7.2007.**

// True Copy //

P.A. to Judge.

SV

K.M.JOSEPH, J.

W.P.(C).No. 21698 OF 2007

Dated this the 21st day of August, 2007

JUDGMENT

Petitioner has approached this court praying for a direction to the third respondent not to demolish or evict from the shop number CP.4/V. He also seeks a direction to dispose of the appeal filed by the petitioner. There is a further prayer for a direction to the 4th respondent to produce the entire records relating to the property in which the shop is situated.

2. I heard the learned Government Pleader also. Ext.P4 notice is issued by the Assistant Executive Engineer of Roads Sub Division directing the petitioner to evict from the encroached property on the PWD road.

The writ petition is disposed of directing the third respondent to conduct a measurement with the help of the Taluk Surveyor in the presence of the petitioner so that the exact property which constitutes the encroachment by the petitioner can be ascertained and petitioner can be removed from there.

The proceedings pursuant to Ext.P1 will be kept in abeyance till the actual measurement is conducted as aforesaid in the presence of the petitioner. The proceedings shall be completed within a period of two months from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

SV.

